



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Executive Office

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Gray Davis
Governor

MAY 18 2000

Mr. Art Champ, Chief
Regulatory Branch
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922

Dear Mr. Champ:

U.S. ARMY CORPS OF ENGINEERS (CORPS) NEW AND MODIFIED NATIONWIDE PERMITS (NWP's) TO REPLACE NWP 26: DENIAL OF WATER QUALITY CERTIFICATION

Thank you for your April 12, 2000 letter regarding the U.S. Army Corps of Engineers *Final Notice of Issuance and Modification of the Nationwide Permits*. You requested that the State complete its review and take its final position on Clean Water Act section 401 water quality certification as soon as possible.

I am enclosing a May 12, 2000 letter to Mr. Sam Collinson at the Corps' Headquarters denying water quality certification of the new and modified NWP's. At this point in time, I must act to deny the NWP's because the State Water Resources Control Board (SWRCB) cannot complete its review and assessment of the federally noticed NWP Program and the three Corps Districts' regional conditions and comply with the requirements of the California Environmental Quality Act by the June 7, 2000 deadline.

Although I must deny water quality certification without prejudice at this time, the SWRCB will continue to review the NWP Program. If at a later date the SWRCB determines that certification of some or all of the NWP's is appropriate, it will take action at the time.

It is my intent to schedule a public discussion of the NWP Program at the SWRCB's Workshop scheduled for June 1, 2000. You will be notified of the details soon.

Mr. Art Champ

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Thank you for your consideration and cooperation. If you require further assistance, please telephone Marla Lafer, the staff person most knowledgeable on this issue, at 916/657-0926. You may also call William R. Campbell, Chief of the Nonpoint Source Certification and Loans Unit, at 916/657-1043.

Sincerely,



Edward C. Anton
Acting Executive Director

Enclosure

cc: Colonel (P) Peter T. Madsen
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